

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

MARY HOLMES, L.V., and EMPOWER
MISSOURI,

Plaintiffs,

-against-

ROBERT KNODELL, in his official capacity
as Acting Director of the Missouri Department
of Social Services,

Defendant.

Case No. 2:22-cv-04026-MDH

**JOINT MOTION TO EXTEND
SCHEDULING ORDER
DEADLINES**

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 16.3, the parties jointly move the Court to extend the deadlines set forth in the Court's Scheduling and Trial Order for Bench Trial, ECF Doc. 28, as amended by the Court's order on September 29, 2022, ECF Doc. 60 (extending deadlines for the disclosure of expert witnesses), and on November 29, 2022, ECF Doc. 66 (extending scheduling order deadlines) and offer the following to demonstrate need and show good cause for this request.

Cause for the Requested Extension

On June 2, 2022, Plaintiffs propounded their first round of discovery seeking responses to a single interrogatory and 17 document requests. *See* ECF Docs. 41, 42. Defendant responded to these requests on July 5. *See* ECF 48. On August 11, 2022, Plaintiffs propounded a second round of discovery, seeking responses to 7 interrogatory questions and 76 document requests. *See* ECF Docs. 53, 54. Defendant responded to these requests on September 26. *See* ECF 58. Defendant supplemented his responses to Plaintiffs' Requests document production on September 2,

September 16, September 30, October 14, October 31, November 2, 2022, January 23, February 3, and February 17, 2023. *See* ECF Docs. 56, 57, 61, 62, 63, 64, 75, 77, 78, 79. Discovery remains ongoing.

In light of approaching deadlines and the ongoing discovery review and production process by Defendant, the Parties have agreed that it would aid this litigation and the discovery process to set two intermediary deadlines: first, a deadline for substantial production responsive to written discovery requests already served, and second, a separate “fact discovery” deadline. The parties propose adjustments to other, subsequent discovery deadlines to allow additional time for Defendant to complete document productions. Doing so will allow sufficient time for any discovery motions to be filed and considered by this Court before the official close of discovery, as well as sufficient time for the deposition of both fact and expert witnesses. Broadly, the parties propose extending the current dates for the close of discovery and the filing of discovery motions by approximately a month and a half each, and that a “fact discovery” deadline and deadline for substantial completion of discovery be established.

Current and Proposed Deadlines

The parties thus seek an extension of the scheduling order deadlines, and the introduction of intermediary deadlines for fact discovery and substantial production for written requests already served, as follows:

1. Deadline to Add Parties and Amend Pleadings: The deadline for adding parties and amending pleadings is currently March 1, 2023. The parties request this date be extended to **April 17, 2023.**

2. Discovery:

a. The deadline for completion of all discovery is currently June 1, 2023. The parties request this date be extended to **July 13, 2023**.

b. The parties request a deadline for substantial production for written discovery already promulgated be set for **April 17, 2023**.

c. The parties are ordered to file a discovery status report on March 3, 2023. The parties suggest status reports also be filed on **April 3, and May 10, 2023**.

d. The deadline for disclosure of expert witnesses is May 5, 2023 and the deadline for the disclosure of rebuttal experts is May 26, 2023. The parties request these deadlines be extended to **June 19, 2023 and July 10, 2023** respectively, and that each expert will be made available for deposition in the order in which they are disclosed and within 21 days of the date they are disclosed, unless otherwise agreed upon by the parties.

e. The deadline for filing discovery motions, absent extraordinary circumstances, is April 14, 2023. The parties request this deadline be extended to **June 5, 2023**.

f. The parties request that the close of fact discovery, including depositions, be set for **June 5, 2023**.

g. The deadline for filing *Daubert* motions is currently June 16, 2023. The parties request an extension to **August 15, 2023**.

3. Dispositive Motions: The parties request that the deadline for filing dispositive motions be extended from June 16 to **August 15, 2023**.

4. Trial and Related Dates:

a. The parties request a 3-4 day bench trial to begin **in early January 2024** (instead of November 6, 2023).

b. The parties further request that as in the Court's original order, the pretrial conference be set two weeks prior to the trial date, and the dates for the joint pre-trial memorandum, motions in limine, and disclosures of witness and exhibits lists and deposition designations be linked to the date of this conference as they were in the Court's original scheduling order.

Joint Unopposed Request

All parties agree that the requested extension is in the interest of justice and not for any improper purpose or for needless delay.

Relief Sought

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order extending the deadlines, including the trial date, as set forth above.

Respectfully submitted,

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